

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NIKKI SNELL,

Defendant.

CR 14-42-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on February 13, 2017. Defendant admitted that she had violated the conditions of her supervised release by failing to report for substance abuse treatment, by failing to report for substance abuse testing, by failing to notify her probation officer of a change in residence, and by failing to report for mental health treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnson recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of four months, with 23 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell*

*Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that she had violated the conditions of her supervised release. Defendant could be incarcerated for up to 24 months, followed by 31 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of four months in custody, followed by 23 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 93) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 28th day of February, 2017.



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Brian Morris  
United States District Court Judge